

Remarks

In view of the above amendments and the following remarks, reconsideration of the objection and rejections and further examination are requested.

New claim 14 has been added.

Claim 11 has been amended so as to depend from claim 1. As a result, withdrawal of the objection thereto is respectfully requested.

Claim 12 has been rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the enablement requirement. This rejection is respectfully traversed.

The rejection indicates that the specification does not recite that the arm portions of the device are rigidly attached to the body case, nor is this feature illustrated in the figures. Regarding this, the Examiner's attention is brought to Figure 1b, which illustrates an example of the arm portions 4 and the body case 3. As can be clearly seen from this figure, the arm portions 4 seamlessly extend from the body case 3. From this figure, it is apparent that the arm portions 4 and the body case 3 are formed as a single piece. Further, it is apparent that Figure 1a fails to illustrate any intermediate elements between the arm portions 4 and the body case 3 that would suggest anything other than rigid attachment of the arm portions 4 to the body case 3. Therefore, it is submitted that the feature of claim 12 is supported at least by Figures 1a and 1b. As a result, withdrawal of the rejection under 35 U.S.C. §112, first paragraph, is respectfully requested.

Claims 1, 12 and 13 have been rejected under 35 USC §102(b) as being anticipated by Granzotto (U.S. 6,757,392). Claims 1, 12 and 13 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Granzotto, Granzotto in view of Reinhold, Jr. (U.S. 5,339,823), and Granzotto in view of Marangoni (US 4,535,783).

Claim 1 has been amended so as to further distinguish the present invention, as recited therein, from the references relied upon in the rejections.

It is submitted that the above-mentioned rejections are inapplicable to the amended claims for the following reasons.

Claim 1 is patentable over Granzotto, the combination of Granzotto and Reinhold, Jr. and the combination of Granzotto and Marangoni, since claim 1 recites an electrocardiograph including, in part, a switching means for starting detection, display and transmission of the electrocardiographic complex, wherein the switching means comprises push-down switches located in a common electrode and a pair of detecting electrodes, respectively, the switching

means starting detection, display and transmission of the electrocardiographic complex after all of the push-down switches are pushed down in a push down state and the push down state of all of the push-down switches is maintained for a specific period by pressing the body case to a human body. Neither Granzotto, nor either of the combinations, discloses or suggests this feature of claim 1.

Granzotto discloses an electronic stethoscope including a headpiece 1 and earpieces 3 including bows 31. The headpiece 1 includes a contact ring 20 having a ring section 20a and two arc shaped arms 18 having electrodes 17 connected to the ring section 20a by pivot joints 19. The pivot joints 19 are connected by switching contacts such that an electrical connection between the electrodes 17 and an evaluation unit occurs only if the arms 18 are in a fully swiveled-out position 18a. (See column 3, lines 23-36; column 3, line 41 – column 4, line 27; and Figures 1, 3 and 4).

In the rejection, the switching contacts connecting the electrodes 17 to the evaluation unit are relied upon as corresponding to the claimed push-down switches. However, as implied by the rejection, the electronic stethoscope would start performing detection immediately upon extension of the arms 18 to the fully swiveled-out position 18a prior to placing the electronic stethoscope to a human body. On the other hand, claim 1 specifically recites that the switching means starts detection, display and transmission of the electrocardiographic complex after all of the push-down switches are pushed down in a push down state and the push down state of all of the push-down switches is maintained for a specific period by pressing the body case to a human body. Clearly, Granzotto fails to disclose or suggest this feature.

Further, it is noted that the position is also taken that push-down switches are well known in the art. However, a general knowledge of push-down switches still fails to meet the above-discussed feature of the switching means of claim 1. Therefore, at least one of Reinhold, Jr. and Marangoni must disclose or suggest this feature of the switching means of claim 1 in order for any of the rejections of claim 1 to be applicable.

Regarding Reinhold, Jr., it discloses a portable heart monitor 10 including a left leg electrode LL, a right arm electrode RA and six precordial electrodes V1-V6. Reinhold, Jr. also discloses that the six precordial electrodes V1-V6 are retained in operative relation on the body via “human pressure” for an amount of time that is sufficient time to obtain electrical heart activity to form an ECG. (See column 24, lines 19-35 and Figure 2).

Based on the above discussion, it is apparent that Reinhold, Jr. discloses holding the electrodes V1-V6 on the body long enough to obtain electrical heart activity. In other words, Reinhold, Jr. discloses holding the electrodes V1-V6 on the body for a period of time before ending the detection of electrical heart activity by removing the electrodes V1-V6. On the other hand, claim 1 recites starting detection, display and transmission of the electrocardiographic complex after all of the push-down switches are pushed down in a push down state and the push down state of all of the push-down switches is maintained for a specific period. It is clear that Reinhold, Jr. also fails to disclose or suggest this feature of claim 1.

As for Marangoni, it discloses a measuring electrode 7 having a cup or lid-shaped measuring head 14 with an arcuate top surface 15 adapted to be placed on a patient's skin. A pressure switch 21 is electrically connected between an output of an ECG amplifier and a recording device and is disposed inside of a wall part 20. When the electrode 7 and the wall part 20 actuate the pressure switch 21, the output of the ECG amplifier is connected to the recording device. (See column 3, line 66 – column 4, line 38 and Figures 4-5B).

Based on the above discussion, it is apparent that the recording device begins receiving the output from the ECG amplifier immediately once the pressure switch 21 is actuated. On the other hand, claim 1 specifically recites that the switching means starts detection, display and transmission of the electrocardiographic complex after all of the push-down switches are pushed down in a push down state and the push down state of all of the push-down switches is maintained for a specific period by pressing the body case to a human body. Clearly, Marangoni also fails to disclose or suggest this feature of claim 1.

Since neither Reinhold, Jr., nor Marangoni, addresses the deficiencies of Granzotto, it is submitted that no combination of Granzotto, Reinhold, Jr. and/or Marangoni discloses or suggests the present invention as recited in claim 1.

Claims 4, 5 and 11 have been rejected under 35 USC §102(b) as being anticipated by Granzotto (U.S. 6,757,392). Claims 4, 5, 10 and 11 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Granzotto, Granzotto in view of Reinhold, Jr., and Granzotto in view of Marangoni and Reinhold, Jr.

Regarding claims 4, 5 and 11, they are submitted to be patentable over the references relied upon in the rejections at least based on their dependency from claim 1.

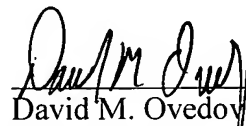
Because of the above-mentioned distinctions, it is believed clear that claims 1, 4, 5 and 11-14 are allowable over the references relied upon in the rejections. Furthermore, it is submitted that the distinctions are such that a person having ordinary skill in the art at the time of invention would not have been motivated to make any combination of the references of record in such a manner as to result in, or otherwise render obvious, the present invention as recited in claims 1, 4, 5 and 11-14. Therefore, it is submitted that claims 1, 4, 5 and 11-14 are clearly allowable over the prior art of record.

In view of the above amendments and remarks, it is submitted that the present application is now in condition for allowance. The Examiner is invited to contact the undersigned by telephone if it is felt that there are issues remaining which must be resolved before allowance of the application.

Respectfully submitted,

Akihiko YANAGA

By:



David M. Ovedovitz
Registration No. 45,336
Attorney for Applicant

DMO/jmj
Washington, D.C. 20006-1021
Telephone (202) 721-8200
Facsimile (202) 721-8250
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